

John Gary Metro WSBN 37919
719 Jadwin Avenue
Richland WA. 99352
(509) 942-7011
garymetro@outlook.com

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MALESA HALE

Defendant

Case No. 4:22-CR-06007-MKD

SENTENCING MEMORANDUM

Ms. Hale entered into a plea agreement with the United States. Ms. Hale agreed to plead guilty to counts 1 and 4 of the criminal indictment in exchange for a sentence of no more than thirty years and no less than twenty years. After sentencing the State of Washington will dismiss the charges filed against her in Benton County Superior Court in Case No. 21-1-00646-03. Ms. Hale believes that justice will be served by imposition of a sentence of 20 years for the reasons articulated below.

BACKGROUND

Ms. Hale is thirty-six years old; she has no criminal record. Ms. Hale moved to the Tri- Cities when she was in her early twenties. She found a job at Lee's Market and worked as a clerk and cashier. She found additional work as a clerk at a gas station. Ms. Hale met

1 Stephen Mork in 2007. The two have had an on and off relationship for the past several years
2 and co-parented three children. They struggled financially and emotionally. Malisa found her
3 dream job in 2019 when she was employed at Hanford as a Radiological Control Tech. This
4 was her first job where she made more than minimum wage. By this time, Ms. Hale's and Mr.
5 Mork's relationship was limited to taking care of the children who are now 15, 10, and 7. In
6 2019 Ms. Hale met Bret Emineth. Mr. Emineth was a co-worker at Hanford. The two became
7 romantically involved. Mr. Emineth had a teenage daughter whose initials are P.E. When P.E.
8 was sixteen years old Mr. Emineth took erotic pictures of P.E. with direction from Ms. Hale.
9 Mr. Emineth took the pictures and sent them to Ms. Hale in August 2020.
10

11
12 Ms. Hale was taken into federal custody in 2022. In January 2023, she was assaulted in
13 the Yakima County Jail where she was housed pursuant to a federal hold. She suffered
14 significant injuries.
15

16 SENTENCE

17 A twenty-year sentence is a long sentence which will cause Ms. Hale to spend a
18 majority of the rest of her life in federal prison. Because of the nature of this crime, she will
19 spend her time under a cloud of notoriety. Federal Prison Officials have publicly admitted that
20 they do not have the resources to protect notorious prisoners. On November 24, 2023 the New
21 York Times reported on the stabbing of Derek Chauvin who was serving 20 years for murder and
22 violating civil rights. (See NYT article attached as Exhibit A) Time goes more slowly and
23 painfully when one is constantly worried about their safety.
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1 I hereby certify that on December 28, 2023 I electronically filed the foregoing
2 with the Clerk of the Court using the CM/ECF system which will send notification
3
4 to the following:

5 Laurel Holland, Assistant United States Attorney, Eastern District of Washington

6 David Herzog, Assistant United States Attorney, Eastern District of Washington

7 Paul Shelton, Attorney for Bret Emineth
8

9
10 By s/John Gary Metro

11 John Gary Metro WSBN 37919

12 719 Jadwin Ave.

13 Richland, WA 99352

14 (509) 943-7011

15 garymetro@outlook.com
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Derek Chauvin Is Stabbed in Federal Prison, Minnesota Attorney General Says

Mr. Chauvin, a former Minneapolis police officer who was convicted of murdering George Floyd during a 2020 arrest, was serving a sentence of more than 20 years.

By Glenn Thrush and Nicholas Bogel-Burroughs
 Nov. 24, 2023

Derek Chauvin, the former Minneapolis police officer who was convicted of murdering George Floyd during a 2020 arrest that set off a wave of protests, was stabbed at a federal prison in Tucson, Ariz., on Friday, according to the office of Keith Ellison, the Minnesota attorney general.

The Federal Bureau of Prisons confirmed that an inmate at the Tucson prison was stabbed at 12:30 p.m., though the agency’s statement did not identify Mr. Chauvin, 47, by name. No other inmates or prison staff were injured, and the situation was quickly contained, according to the people familiar with the situation.

Emergency medical technicians “initiated lifesaving measures” before transporting the inmate to a local hospital “for further treatment and evaluation,” bureau officials wrote. No details were immediately available on his condition, but one of the people with knowledge of the incident said that Mr. Chauvin survived the attack.

Mr. Ellison, who oversaw the prosecution of Mr. Chauvin, condemned the attack. “I am sad to hear that Derek Chauvin was the target of violence,” Mr. Ellison said in a statement. “He was duly convicted of his crimes and, like any incarcerated individual, he should be able to serve his sentence without fear of retaliation or violence.”

Mr. Chauvin was serving a sentence of just over two decades in federal prison after he was convicted of state murder charges and a federal charge of violating the constitutional rights of Mr. Floyd. Mr. Chauvin’s lawyers did not respond to requests for comment.

Mr. Chauvin, who is white, had knelt on Mr. Floyd, who was Black, for nine and a half minutes in May 2020 as Mr. Floyd lay handcuffed, face down, on a South Minneapolis street corner. The killing of Mr. Floyd, 46, a security guard and former rapper, was captured on video by a teenager, and the footage ricocheted around the world while people were isolating amid the Covid-19 pandemic.

The killing set off the largest protests of a generation, against police violence and racism, and led to a high-profile, televised trial in which Mr. Chauvin was convicted of second-degree murder in April 2021. Three other officers who were at the scene where Mr. Floyd was killed were also later convicted of violating Mr. Floyd’s rights.

Mr. Chauvin had sought to appeal his conviction, but as recently as this week, the Supreme Court had rejected his efforts.

Part of Mr. Chauvin’s plea deal with prosecutors in his federal case was that he would be allowed to serve his sentence in a federal prison, which is generally considered safer than a state prison. Before that, Mr. Chauvin had been serving his state sentence in solitary confinement for 23 hours each day in Minnesota. A spokeswoman for the state prison system said at the time that Mr. Chauvin had been isolated because of concerns for his safety.

There have been several other high-profile attacks on federal prisoners in recent years, including the stabbing earlier this year of Larry Nassar, who had been convicted of sexually abusing young gymnasts, and the killing in 2018 of James (Whitey) Bulger, the mobster who was murdered in a West Virginia prison.

The Associated Press was the first to report the stabbing of Mr. Chauvin on Friday.

The Bureau of Prisons has been grappling with a widespread shortage of corrections officers and has relied on teachers, case managers, counselors, facilities workers and secretaries to fill shifts.

About 21 percent of the 20,446 positions for corrections officers funded by Congress — amounting to 4,293 guards — were unfilled in September 2022, according to a report in March 2023 by the Justice Department’s inspector general’s office.

On May 25, 2020, Mr. Chauvin and three other officers with the Minneapolis Police Department drove to a corner store after a store employee had called 911 to report that Mr. Floyd had bought cigarettes with a fake \$20 bill.

One officer arrived to the scene with his gun drawn, and, minutes later, the police pulled Mr. Floyd out of a car. Mr. Chauvin and two other officers eventually pinned him to the pavement, where a bystander’s video captured him begging for air, saying he couldn’t breathe, as Mr. Chauvin knelt on his neck.

As Mr. Chauvin kept Mr. Floyd pinned down, bystanders yelled at the police officers to ease up. The chief medical examiner in Hennepin County, which includes Minneapolis, ultimately determined that Mr. Floyd’s heart and lungs stopped functioning while the police were restraining him.

A paramedic testified at trial that by the time he arrived at the scene, Mr. Floyd did not have a pulse and appeared to already be dead. The paramedic, Derek Smith, testified that he and other emergency medical workers used a device to try to restart Mr. Floyd’s heart, but that nothing worked. Ultimately, Mr. Floyd was pronounced dead at a hospital a little over an hour after the police had approached him.

In April 2021, after three weeks of trial testimony, jurors deliberated for about 10 hours before convicting Mr. Chauvin of all of the counts he faced in the state case. Judge Peter A. Cahill sentenced him to 22 and a half years in prison.

At Mr. Chauvin’s sentencing in June 2021, his mother, Carolyn Pawlenty, said that her son was a good man who had been wrongly depicted as racist. She argued that he was not guilty of murdering Mr. Floyd.

“The public will never know the loving and caring man he is,” Ms. Pawlenty said. “But his family does.”

A little over a year later, a federal judge sentenced Mr. Chauvin to serve 21 years in federal prison after he pleaded guilty to violating Mr. Floyd’s constitutional rights by using excess force under the color of law.

Tim Arango and Julie Bosman contributed reporting.

Glenn Thrush covers the Department of Justice. He joined The Times in 2017 after working for Politico, Newsday, Bloomberg News, The New York Daily News, The Birmingham Post-Herald and City Limits. More about Glenn Thrush

Nicholas Bogel-Burroughs reports on national news. He is from upstate New York and previously reported in Baltimore, Albany, and Isla Vista, Calif. More about Nicholas Bogel-Burroughs

EXHIBIT B

Hale, Malesa Lynn 4:22CR06007-MKD-2 34 JUDICIARY SENTENCING INFORMATION (JSIN) DATA The following information is from the U.S. Sentencing Commission's JSIN database (<https://jsin.ussc.gov>). During the last five fiscal years (FY2018-2022), there were 87 defendants whose primary guideline was §2G2.1, with a Final Offense Level of 41 and a Criminal History Category of I, after excluding defendants who received a §5K1.1 substantial assistance departure. For the 86 defendants (99%) who received a sentence of imprisonment in whole or in part, the average length of imprisonment imposed was 259 month(s) and the median length of imprisonment imposed was 240 month(s). For all 87 defendants in the cell, the average sentence imposed was 256 month(s) and the median sentence imposed was 240 month(s). The sentencing data provided does not reflect the Commission's recommendation regarding the appropriate sentence to be imposed or represent the Commission's official position on any issue or case. Nor does the information provided reflect the Commission's position regarding the weight to be given, if any, to the above sentencing information in a court's determination of the appropriate sentence to be imposed. If the court does consider the above sentencing information as part of its consideration of the factors in 18 U.S.C. § 3553(a) in imposing sentence, it should do so only after considering the properly calculated guideline range and any applicable departures provided for in the Guidelines Manual.